

**R307. Environmental Quality, Air Quality.**

**R307-309. Nonattainment and Maintenance Areas for PM10:  
Fugitive Emissions and Fugitive Dust.**

**R307-309-1. Purpose.**

This rule establishes minimum work practices and emission standards for sources of fugitive emissions and fugitive dust listed in Section IX, Part H of the state implementation plan or located in PM10 nonattainment and maintenance areas to meet the reasonably available control measures for PM10 required in section 189(a)(1)(C) of the Act.

**R307-309-2. Definitions.**

The following addition definition applies to R307-309:

"Material" means sand, gravel, soil, minerals other matter that may create fugitive dust.

**R307-309-3. Applicability.**

(1) Applicability. R307-309 applies to all sources of fugitive dust and fugitive emissions listed in Section IX, Part H of the state implementation plan or located in a nonattainment or maintenance area for PM10, except as specified in (2) below.

(2) Exemptions.

(a) The provisions of R307-309 do not apply to agricultural or horticultural activities specified in 19-2-114 (1)-(3).

(b) Any activity subject to R307-307 is exempt from R307-309-7.

(3) Compliance Schedule. Any source located in a new nonattainment area for PM10 is subject to R307-309 180 days after the area is designated nonattainment by the Environmental Protection Agency. Provisions of R307-205 shall continue to apply to the owner or operator of a source during this transition period.

**R307-309-4. Fugitive Emissions.**

Fugitive emissions from any source shall not exceed 15% opacity. Opacity observations of emissions from stationary sources shall be conducted in accordance with EPA Method 9. [For intermittent sources and mobile sources, opacity observations shall use procedures similar to Method 9, ~~[except]~~ but the requirement for observations to be made at 15-second intervals over a six-minute period shall not apply~~[-and any time interval with no visible emissions shall not be included].~~

**R307-309-5. General Requirements for Fugitive Dust.**

(1) Except as provided in (2) below, opacity caused by fugitive dust shall not exceed:

1 (a) 10% at the property boundary; and  
2 (b) 20% on site  
3 (2) Opacity in (1) above shall not apply when the wind  
4 speed exceeds 30 miles per hour and the owner or operator is  
5 taking appropriate actions to control fugitive dust.  
6 (a) If the source has a fugitive dust control plan  
7 approved by the executive secretary, control measures in the  
8 plan are considered appropriate.  
9 (b) Wind speed may be measured by a hand-held anemometer  
10 or equivalent device.  
11 (3) Opacity observations of emissions from stationary  
12 sources shall be conducted in accordance with EPA Method 9. For  
13 intermittent sources and mobile sources, opacity observations  
14 shall use procedures similar to Method 9, ~~[except]~~ but the  
15 requirement for observations to be made at 15-second intervals  
16 over a six-minute period shall not apply~~[-and any time interval~~  
17 ~~with no visible emissions shall not be included]~~.  
18

19 **R307-309-6. Fugitive Dust Control Plan.**

20 (1) Any person owning or operating a new or existing  
21 source of fugitive dust, including storage, hauling or handling  
22 operations, or engaging in clearing or leveling of land one-  
23 quarter acre or greater in size, earthmoving, excavation, or  
24 movement of trucks or construction equipment over cleared land  
25 one-quarter acre or greater in size or access haul roads, or  
26 engaging in demolition activities including razing homes,  
27 buildings or other structures shall submit a plan to control  
28 fugitive dust to the executive secretary no later than 30 days  
29 after the source becomes subject to R307-309. The plan shall  
30 address fugitive dust control strategies for the following  
31 operations as applicable:

- 32 (a) Material Storage;  
33 (b) Material handling and transfer;  
34 (c) Material processing;  
35 (d) Road ways and yard areas;  
36 (e) Material loading and dumping;  
37 (f) Hauling of materials;  
38 (g) Drilling, blasting and pushing operations;  
39 (h) Clearing and leveling;  
40 (i) Earth moving and excavation;  
41 (j) Exposed surfaces;  
42 (k) Any other source of fugitive dust.  
43 (2) Strategies to control fugitive dust may include:  
44 (a) Wetting or watering;  
45 (b) Chemical stabilization;  
46 (c) Enclosing or covering operations;  
47 (d) Planting vegetative cover;

- (e) Providing synthetic cover;
  - (f) Wind breaks;
  - (g) Reducing vehicular traffic;
  - (h) Reducing vehicular speed;
  - (i) Cleaning haul trucks before leaving loading area;
  - (j) Limiting pushing operations to wet seasons;
  - (k) Paving or cleaning road ways;
  - (l) Covering loads;
  - (m) Conveyor systems;
  - (n) Boots on drop points;
  - (o) Reducing the height of drop areas;
  - (p) Using dust collectors;
  - (q) Reducing production;
  - (r) Mulching;
  - (s) Limiting the number and power of blasts;
  - (t) Limiting blasts to non-windy days and wet seasons;
  - (u) Hydro drilling;
  - (v) Wetting materials before processing;
  - (w) Using a cattle guard before entering a paved road;
  - (x) Washing haul trucks before leaving the loading site;
  - (y) Terracing;
  - (z) Cleaning the materials that may create fugitive dust on a public or private paved road promptly; or
  - (aa) Preventing, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site.
- (3) Each source shall comply with all provisions of the fugitive dust control plan as approved by the executive secretary.

**R307-309-7. Storage, Hauling and Handling of Aggregate Materials.**

Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials that may create fugitive dust on a public or private paved road shall clean the road promptly.

**R307-309-8. Construction and Demolition Activities.**

Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any

1 such person who deposits materials that may create fugitive dust  
2 on a public or private paved road shall clean the road promptly.  
3

4 **R307-309-[7]9. Roads.**

5 (1) Any person responsible for construction or maintenance  
6 of any existing road or having right-of-way easement or  
7 possessing the right to use the same whose activities result in  
8 fugitive dust from the road shall minimize fugitive dust to the  
9 maximum extent possible. Any such person who deposits materials  
10 that may create fugitive dust on a public or private paved road  
11 shall clean the road promptly.

12 (2) Unpaved Roads. Any person responsible for  
13 construction or maintenance of any new or existing unpaved road  
14 shall prevent, to the maximum extent possible, the deposit of  
15 material from the unpaved road onto any intersecting paved road  
16 during construction or maintenance. Any person who deposits  
17 materials that may create fugitive dust on a public or private  
18 paved road shall clean the road promptly.  
19

20 **R307-309-[8]10. Mining Activities.**

21 (1) Fugitive dust, construction activities, and roadways  
22 associated with mining activities are regulated under the  
23 provisions of R307-309-[8]10 and not by R307-309-7,8,9, and  
24 [9]11.

25 (2) Any person who owns or operates a mining operation  
26 shall minimize fugitive dust as an integral part of site  
27 preparation, mining activities, and reclamation operations.

28 (3) The fugitive dust control measures to be used may  
29 include:

- 30 (a) periodic watering of unpaved roads,
- 31 (b) chemical stabilization of unpaved roads,
- 32 (c) paving of roads,
- 33 (d) prompt removal of coal, rock minerals, soil, and other  
34 dust-forming debris from roads and frequent scraping and  
35 compaction of unpaved roads to stabilize the road surface,
- 36 (e) restricting the speed of vehicles in and around the  
37 mining operation,
- 38 (f) revegetating, mulching, or otherwise stabilizing the  
39 surface of all areas adjoining roads that are a source of  
40 fugitive dust,
- 41 (g) restricting the travel of vehicles on other than  
42 established roads,
- 43 (h) enclosing, covering, watering, or otherwise treating  
44 loaded haul trucks and railroad cars, to minimize loss of  
45 material to wind and spillage,
- 46 (i) substitution of conveyor systems for haul trucks and  
47 covering of conveyor systems when conveyed loads are subject to

1 wind erosion,  
2 (j) minimizing the area of disturbed land,  
3 (k) prompt revegetation of regraded lands,  
4 (l) planting of special windbreak vegetation at critical  
5 points in the permit area,  
6 (m) control of dust from drilling, using water sprays,  
7 hoods, dust collectors or other controls approved by the  
8 executive secretary.  
9 (n) restricting the areas to be blasted at any one time,  
10 (o) reducing the period of time between initially  
11 disturbing the soil and revegetating or other surface  
12 stabilization,  
13 (p) restricting fugitive dust at spoil and coal transfer  
14 and loading points,  
15 (q) control of dust from storage piles through use of  
16 enclosures, covers, or stabilization and other equivalent  
17 methods or techniques as approved by the executive secretary,  
18 or  
19 (r) other techniques as determined necessary by the  
20 executive secretary.

21  
22 **R307-309-[9]11. Tailings Piles and Ponds.**

23 (1) Fugitive dust, construction activities, and roadways  
24 associated with tailings piles and ponds are regulated under the  
25 provisions of R307-309-[9]11 and not by R307-309- 7,8,9, and  
26 [8]10.

27 (2) Any person owning or operating an existing tailings  
28 operation where fugitive dust results from grading, excavating,  
29 depositing, or natural erosion or other causes in association  
30 with such operation shall take steps to minimize fugitive dust  
31 from such activities. Such controls may include:

32 (a) watering,  
33 (b) chemical stabilization,  
34 (c) synthetic covers,  
35 (d) vegetative covers,  
36 (e) wind breaks,  
37 (f) minimizing the area of disturbed tailings,  
38 (g) restricting the speed of vehicles in and around the  
39 tailings operation, or  
40 (h) other equivalent methods or techniques which may be  
41 approvable by the executive secretary.

42  
43 **KEY: air pollution, dust, PM 10**  
44 **2005**

19-2-101  
19-2-104  
19-2-109